

BOTTINI & BOTTINI, INC.  
 Francis A. Bottini, Jr. (175783)  
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*Proposed Lead Counsel for Plaintiffs and  
 Counsel for Plaintiff Andrew Calcaterra*

[Additional Counsel Listed on Signature Page.]

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

ANDREW CALCATERRA, derivatively )	Case No. 15cv2722 BAS (NLS)
on behalf of BOFI HOLDING, INC., )	
)	<b>Notice of Motion and Motion of</b>
Plaintiff,) )	<b>Plaintiffs Andrew Calcaterra, Zhang</b>
)	<b>Yong, and Laborers Pension Trust</b>
vs. )	<b>Fund of Northern Nevada to</b>
)	<b>Consolidate Related Actions and to</b>
GREGORY GARRABRANTS, <i>et al.</i> , )	<b>Appoint Lead Counsel</b>
)	
Defendants,) )	Date: March 21, 2016
)	Time: None
– and – )	Judge: Hon. Cynthia A. Bashant
)	Courtroom: 4B (Schwartz)
BOFI HOLDING, INC., a Delaware )	<b>NO ORAL ARGUMENT UNLESS</b>
corporation, )	<b>REQUESTED BY THE COURT</b>
)	
Nominal Defendant.)	

[Caption continues on following page.]

1 DAVID DEYOUNG, derivatively and )  
 2 on behalf of BOFI HOLDING, INC., )

3 Plaintiff,) )

4 vs. )

5 )  
 6 GREGORY GARRABRANTS, *et al.*, )

7 Defendants,) )

8 – and – )

9 )  
 10 BOFI HOLDING, INC., a Delaware )  
 11 corporation, )

12 Nominal Defendant.)

13 ZHANG YONG, derivatively on behalf )  
 14 of BOFI HOLDING, INC., )

15 Plaintiff,) )

16 vs. )

17 )  
 18 GREGORY GARRABRANTS, *et al.*, )

19 Defendants,) )

20 – and – )

21 )  
 22 BOFI HOLDING, INC., a Delaware )  
 23 corporation, )

24 Nominal Defendant.)

25 [Caption continues on following page.]

1 LABORERS PENSION TRUST FUND ) Case No. 16cv0259 BTM (RBB)  
2 OF NORTHERN NEVADA, )  
3 derivatively on behalf of BOFI )  
4 HOLDING, INC., )  
5 )  
6 ) Plaintiff,) )  
7 )  
8 vs. )  
9 )  
10 THEODORE C. ALLRICH, *et al.*, )  
11 )  
12 Defendants,) )  
13 )  
14 – and – )  
15 )  
16 BOFI HOLDING, INC., a Delaware )  
17 corporation, )  
18 )  
19 Nominal Defendant.)  
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 21, 2016, before the Honorable Cynthia  
3 A. Bashant, in Courtroom 4B of the United States District Court for the Southern  
4 District of California, located at 221 West Broadway, San Diego, California 92101,  
5 plaintiffs Andrew Calcaterra, Zhang Yong, and Laborers Pension Fund of Northern  
6 Nevada (together, "Plaintiffs") will jointly move, and hereby do move, the Court for  
7 entry of an order under Rule 42(a) of the Federal Rules of Civil Procedure:

8 (1) consolidating the above-captioned related actions; and

9 (2) appointing Bottini & Bottini, Inc. as lead counsel for Plaintiffs in the  
10 consolidated action.

11 In support of this motion, Plaintiffs submit this notice of motion, the  
12 accompanying Memorandum of Points and Authorities, the Declaration of Francis A.  
13 Bottini, Jr., with exhibits, and proposed order, and rely on all papers and proceedings in  
14 these actions, as well as such other evidence and matters that the Court may properly  
15 consider.

16 Dated: February 19, 2016

Respectfully submitted,

17 BOTTINI & BOTTINI, INC.  
18 Francis A. Bottini, Jr. (175783)  
19 Albert Y. Chang (296065)  
Yury A. Kolesnikov (271173)

20 s/ Francis A. Bottini, Jr.

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26 *for Plaintiff Andrew Calcaterra*  
27  
28

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14 /s Kip B. Shuman

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24 *Counsel for Plaintiff Zhang Yong*

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**Signature Certification**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Travis E. Downs III and Kip B. Shuman, and that I have obtained Mr. Downs' and Mr. Shuman's authorizations to affix their electronic signatures to this document.

s/ Francis A. Bottini, Jr.  
Francis A. Bottini, Jr.